



**U.S. Department of
Transportation**

Off ice of the Secretary
of Transportation

GENERAL COUNSEL

400 Seventh St., S.W.
Washington, DC. 20590

FEBRUARY 16, 2000

73170

OST-99-6410-45

Mr. Larry D. Swerdlin, CTC
Burton Travel
Valley Village Shopping Center
9113 Reisterstown Rd.
Owings Mills, MD 21117

Dear Mr. Swerdlin:

Senator Mikulski has asked the Department of Transportation to respond to your letter to her of November 10, 1999, in support of the formal complaint that the American Society of Travel Agents (ASTA) **has** recently filed with this Department **against** a number of airlines (Docket OST-99-6410). ASTA alleges that in cutting the commissions that **they pay travel agents**, the **airlines** are engaging in unfair practices and unfair **methods** of competition in violation of 49 U.S.C. §41712.

The airlines filed their responses to ASTA's complaint on December 10. It is now up to the Enforcement Office to review **the** complaint and responses and determine whether, under our statute, the complaint should be pursued or dismissed. Under these circumstances, it would **be** inappropriate for me to comment on the substance of your **letter**. You can track the pleadings as well as the Department's actions through our Dockets web site at <http://dms.dot.gov>. Clicking on "search" and then typing "**6410**" in the space for the docket number and again clicking on "search" will bring up a list of all documents in the docket. Each item can be opened.

The Department's *ex parte* rules, 14 CFR Part 300, require that I place your letter and a copy of this reply in Docket OST-99-6410. Please be assured that ASTA's complaint will receive careful and thorough consideration.

Sincerely,

Samuel Podberesky
Assistant General Counsel for
Aviation Enforcement and Proceedings

cc: Brian Tate
Office of Senator Barbara A. Mikulski

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DEPT OF TRANSPORTATION
DOCKETS
OFFICE 2 : 14

**burton
travel**

VALLEY VILLAGE SHOPPING CENTER, 9113 REISTERSTOWN ROAD, OWINGS MILLS, MD 21117

PHONE: (410) 363-1900

FAX: (410) 356-7422

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MEMBER



10 November 1999

The Honorable Barbara Mikulski
U.S. Senate
Washington, D.C. 20510

Dear Senator Mikulski:

Please save my business from airline unfair competition by writing **to the** Secretary of Transportation and ask him to act favorably upon the American Society of Travel Agents' (ASTA) complaint against airline unfair practices.

ASTA's filing requests the Secretary to use his authority to stop the unfair **methods** of **competition** the airlines are using to force travel agencies **out** of business. **The** airlines have driven travel agent **compensation** below the cost of doing business, **while** also creating a "cost squeeze" that drives up agents' costs with unnecessary and **anticompetitive** restrictions.

My small business continues to provide consumers with **the last, best** hope for getting neutral, professional information and advice about travel service **options**. If the airlines succeed, consumers will pay more. On behalf of my clients and employees, we thank you for contacting the Secretary and **notifying** me or my trade **association, ASTA**, at **703 739 6842** of your action.

I look **forward to** hearing from you soon.

Yours truly,


Larry D. Swerdlin, CTC

LDS:cmc

BARBARA A. MIKULSKI
MARYLAND

SUITE 709
HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510

(202) 224-4654
TDD: (202) 224-5223

United States Senate
WASHINGTON, DC 20510-2003

November 22, 1999

808 999

Ms. Lorraine Miller
Director
Office of Congressional Relations
Federal Trade Commission
6th & Penn. Ave. N.W. Rm. 404
Washington, D.C. 20580

Dear Ms. Miller:

I am writing to request your consideration of the attached correspondence from Mr. Larry Swerdlin. Please respond directly to Mr. Swerdlin and send a copy to Brian Tate of my staff. If you have any questions, please call Brian Tate at (202) 224-4654.

Thank you for your assistance.

Sincerely,



Barbara A. Mikulski
United States Senator

BAM:bct
Enclosure



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

Y/10

January 5, 2000

The Honorable Barbara A. Mikulski
United States Senate
Washington, D.C. 20510

Dear Senator Mikulski:

Thank you for your letter on behalf of Mr. Larry D. Swerdlin, concerning his complaint against the American Society of Travel Agents. As you know, the Federal Trade Commission has been directed by Congress to act in the interest of all consumers to prevent deceptive or unfair practices and unfair methods of competition, pursuant to the Federal Trade Commission Act, 15 U.S.C. 41 et seq. In determining whether to take enforcement or other action in any particular situation, the Commission may consider a number of factors, including the type of violation alleged; the nature and amount of consumer injury at issue and the number of consumers affected; and the likelihood of preventing future unlawful conduct and securing redress or other relief. As a matter of policy, the Commission does not generally intervene in individual disputes. However, letters from your constituents provide valuable information that is frequently used to develop or support Commission enforcement initiatives.

I appreciate learning of your constituent's problem, but the issue described does not appear to implicate any of the statutes enforced by the Commission. Therefore, I have taken the liberty of forwarding your inquiry to the Department of Transportation for their review. I appreciate your interest in this matter, and please let us know whenever we can be of assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Donald S. Clark".

Donald S. Clark
Secretary of the Commission

cc: Director of Congressional Liaison
Department of Transportation
400 Seventh Street, S. W.
Washington, D. C. 20590